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ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/696,395	PEARSON ET AL.	
	Examiner	Art Unit	
	Scott Beliveau	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,20-24,26-29 and 31-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,20-24,26-29 and 31-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The OFFICIAL NOTICE presented as to the particular usage of "assigned frequency blocks" comprising a "range of approximately 60 to 66 MHz", a "range of approximately 66 to 72 MHz", and a "range of approximately 76 to 82 MHz" as frequency ranges corresponding to television distribution channels was not traversed and is accordingly taken as an admission of the fact noted.

2. Applicant's arguments filed 03 July 2006 have been fully considered but they are not persuasive.

With respect to applicant's arguments such that the Ellis et al. reference teaches away from the combination of Sheppard in so far as Ellis teaches a system where every user has a separate set-top box receiver as opposed to the Sheppard system which teaches the elimination separate set-top boxes for each television, the examiner respectfully disagrees. The examiner recognizes that a prima facie case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. In re Geisler, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997). In the instant case, the Ellis et al. reference discloses numerous configurations/topologies (Para. [0071]). One of these configurations includes the usage of a single set-top box connected to a plurality of televisions (Figure 6; Para. [0075]). "The prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). Accordingly, given

that there is no disclosure by Ellis et al. to teach away from any particular configuration (including one similar to that used by Shepard et al.), applicant's arguments are not considered persuasive.

With respect to applicant's arguments such that the references taken in combination fail to teach al the claim elements and in particular the association of particular users with frequency bands, the examiner respectfully disagrees. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As previously noted in the previous Final Rejection (mailed 24 August 2005), the particular term 'associated' is commonly understood to mean that something is related to or has some relationship with something else. It is a broad term. As noted in applicant's arguments, Sheppard teaches the association of a particular television to a particular television. Sheppard is silent with respect to associating a television to a particular user. Ellis discloses the association of television equipment to a particular user (ex. Parent's room – Parent's television, Children's room – Children's television, Guest Room – Guest television) (Para. [0075] and [0089] – [0093]). To summarize:

Claim requires:	associating users with frequencies
Sheppard teaches:	associating TV with a frequency
Sheppard fails to teach:	associating a TV with a user
Ellis teaches:	associating a TV with to a user

Therefore, taken in combination, the references teach associating TVs with a frequency corresponding to a particular location associated with a particular user (ex. children's TV is associated with a particular frequency and since it is their television – the children are also associated with the frequency associated with their television) – thereby meeting the claimed limitation of associating users with frequencies in view of the combined teachings.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 4, 6-10, 20, 22, 24, 26-28, 34, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474) in view of Ellis et al. (US Pub No. 2005/0251827 A1).

In consideration of claim 1, Figures 4, 5, and 8 of Sheppard et al. illustrate a "video distribution system". As illustrated in Figure 5, the system comprises a "receiver" [410] or network interface module within the residential gateway [200] that is "operable to receive a multiplexed signal comprising a plurality of encoded video information streams" (Col 8, Lines 24-34). The residential gateway comprises a "first decoder" [450] and separately illustrated "second decoder" [450] "communicatively coupled to the receiver" via the MPEG bus [424] and "operable to decode a first" and "second video information stream of the multiplexed signal" (Col 10, Lines 34-67) respectively, a "combiner" [418] "operable to output a composite signal for communication via a premise network . . . comprising a decoded first video information stream modulated to a first radio frequency band . . . and a second video information stream modulated to a second radio frequency band" (Col 6, Line 60 – Col 7, Line 3; Col 10, Lines 10-34; Col 11, Lines 13-31). A "remote control mechanism" [500] is "operable to communicate a request signal to the first decoder requesting that the first decoder decode a different video information stream of the multiplexed channel" (Col 9, Line 63 – Col 10, Line 34). The reference discloses that the particular televisions [199] are each associated with or assigned radio frequencies and corresponding remote controllers. The reference, however, is unclear with respect to the particular existence of multiple users within the household such that a given television [199] and therefore frequency band is associated with that particular user.

In an analogous art pertaining to the field of video distribution systems, the Ellis et al. reference discloses a "video distribution system" such as that illustrated in Figure 6 wherein a plurality of users within a household are associated with a plurality of televisions (Para.

[0064]) and the users may configure settings associated with an interactive programming guide. The reference discloses that in conjunction with configuring the system a user associates particular televisions with particular users wherein a particular location is designated as the master location so as to modify settings (Figure 11; Para. [0089] – [0092]). For example, as illustrated, a particular television is associated with an adult or parent and another television is associated with a child and the parents have designated their own TV as the master controller. The system further comprises an "access engine to authenticate that a user of [a] remote control mechanism" [54] is associated with the master controller in order to change parental control settings (Figure 17; Para. [0095] – [0096]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. such that the aforementioned "combiner [is] operable to output a composite signal . . . modulated to a first radio frequency band associated with a first user" (ex. parent) and a "second radio frequency band associated with a second user" (ex. child) and to further incorporate an "access engine to authenticate that a user of the remote control mechanism is associated with the first radio frequency band" or the master control television in the parent's room for the purpose of advantageously providing a means by which a family with multiple televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]).

Claim 2 is rejected wherein the Sheppard et al. reference discloses a "diplexer" [806] "operable to distinguish between upstream and downstream communication flow [and] . . . operable to output the multiplexed signal to the receiver" [200] (Figure 8) and a "modem"

[350 or 410] "communicatively coupled to the diplexer and operable to output data traffic to the diplexer" (Col 7, Line 11-26; Col 8, Lines 24-34).

Claim 4 is rejected, in light of the teachings of Sheppard et al., which discloses a "radio frequency communication module" [442 or 910 or 920] that is "operable to support at least a portion of a communication path interconnecting the remote control and the first decoder" (Col 11, Lines 52 – Col 12, Line 28).

Claim 6 is rejected wherein the "premise network comprises installed coaxial cable" (Sheppard et al.: Col 6, Lines 63-67).

Claim 7 is rejected wherein the system further comprises "a modem device" [350 or 410] that is "selected from the group consisting of . . . an xDSL modem" (Sheppard et al.: Col 7, Lines 11-26; Col 8, Lines 24-34).

Claim 8 is rejected wherein the system further comprises a "messaging engine" [48] (as implemented via the appropriate circuitry therewith) that is "operable to initiate communication of message information via the premise network, wherein the message information represents a message sent using a service selected from the group consisting of electronic mail" (Ellis et al.: Para. [0064] and [0123])

Claim 9 is rejected wherein the system further comprises a "metrics engine" [48] (as implemented via the appropriate circuitry therewith) "operable to track a metric associated with the first video information stream wherein the metric is selected from the group of a video stream content rating . . . [or] an assigned programming channel for the first video information stream" (Ellis et al.: Figure 19; Para. [0068] and [0102]).

Claim 10 is rejected wherein the system further comprises a "graphical user interface (GUI) engine" [48] (as implemented via the appropriate circuitry therewith) that is "operable to initiate presentation of a GUI" or electronic program guide "on a television display communicatively coupled to the premise network" (Ellis et al.: Para. [0069] – [0070] and [0088]).

In consideration of claim 20, Figures 4, 5, and 8 of Sheppard et al. illustrate a "video distribution system". As illustrated in Figure 5, the system comprises "plurality of remotely controllable channel output modules" [450], "each configured to output a signal modulated to an assigned frequency block . . . representing a decoded version of a selected MPEG video stream and a "premise network interface" [418] "operable to output a composite signal to a premise network" [210] wherein the "composite signal comprises a modulated signal from at least one of the plurality of remote controllable channel output modules" (Col 6, Line 60 – Col 7, Line 3; Col 10, Lines 10-34 and 49-67; Col 11, Lines 13-31). The system further comprises a "remote control mechanism" [500] wherein the particular televisions [199] are each associated with or assigned radio frequencies and corresponding remote controllers. The reference, however, is unclear with respect to the particular existence of multiple users within the household such that a given television [199] and therefore frequency block is associated with that particular user.

In an analogous art pertaining to the field of video distribution systems, the Ellis et al. reference discloses a "video distribution system" such as that illustrated in Figure 6 wherein a plurality of users within a household are associated with a plurality of televisions (Para. [0064]) and the users may configure settings associated with televisions and an interactive

programming guide. The reference discloses that in conjunction with configuring the system a user associates particular televisions with particular users wherein a particular location is designated as the master location from which to modify settings (Figure 11; Para. [0089] – [0092]). For example, as illustrated, a particular television is associated with an adult or parent and another television is associated with a child and the parents have designated their own TV as the master controller. The system further comprises an "access engine to authenticate that a user of [a] remote control mechanism" [54] is associated with the master controller in order allow for changes in parental control settings (Figure 17; Para. [0095] – [0096]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. such that the aforementioned "plurality of remote controllable channel output modules [are] each configured to output a signal modulated to an assigned frequency black associated with a particular user" (ex. parent or child) and to further incorporate an "access engine to authenticate that a user of the remote control mechanism is associated with the first radio frequency band" or the master control television in the parent's room for the purpose of advantageously providing a means by which a family with multiple televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]).

Claim 22 is rejected wherein the "premise network comprises coaxial cable" (Sheppard et al.: Col 6, Lines 63-67).

In consideration of claim 24, Sheppard et al. discloses that the "assigned frequency blocks" correspond to television channels 3, 4, 8, and 11 (Col 10, Lines 23-34; Col 14, Lines

18-24) which correspond to "portions of the Very High Frequency spectrum assigned to television channels" in accordance with FCC television frequency assignments.

Claim 26 is rejected wherein the system further comprises a "first remote controllable channel output module" [450] "configured to output information on to one assigned frequency block" (Sheppard et al.: Col 10, Lines 23-34 and 51-58).

Claim 27 is rejected wherein the system further comprises a "table mapping each of a plurality viewers to at least one assigned frequency block" (Ellis et al.: Figure 19). For example, Figure 19 illustrates that a viewer is watching an assigned frequency block corresponding to the television in the children's room or is watching programming associated with an operator assigned frequency block (ex. Channel 6).

Claim 28 is rejected in light of the combined teachings wherein the system further comprises a "graphical user interface (GUI) engine operable to initiate presentation of a GUI on a television display communicatively coupled to the premise network . . . indicating video programs represented by the selected MPEG video stream output by each of the plurality of remote controllable channel output modules" (Ellis et al.: Figure 19; Para. [0101] – [0102]).

Claim 34 is rejected wherein the "access engine employs a password authentication scheme" (Ellis et al.: Para. [0096]).

Claim 36 is rejected wherein the "access engine employs a device based authentication scheme" such that the user utilizes a device such as remote controller [54] to enter the appropriate password (Ellis et al.: Para. [0095] – [0096]). The claim is not limiting with respect to the particular nature of the "device based authentication".

In consideration of claim 40, as aforementioned the Sheppard et al. reference discloses a "method" wherein a local video distribution system comprises a plurality of televisions [199] and "receives a request for media content from a first user" so as to view a particular program on a particular television [199] (Col 10, Lines 10-34). The system subsequently "modulat[es]the media content on a carrier frequency" [450] "associated with the first user" requesting the programming and "output[es] the modulated stream to a premise network" [210] "on the carrier frequency associated with the first user such that the first user can access the media content by tuning a premise network connected television to the first carrier frequency (Sheppard et al.: Col 6, Line 60 – Col 7, Line 3; Col 9, Lines 48-62; Col 10, Lines 10-34; Col 11, Lines 13-31). The reference, however, is unclear with respect to the particular association of multiple users to multiple TVs or "linking a plurality of users with associated carrier frequencies".

In an analogous art pertaining to the field of video distribution systems, as previously set forth, the Ellis et al. reference discloses a "method" wherein a plurality of users within a household are associated with a plurality of televisions (Para. [0064]) such that the system may be configured so as to "link a plurality of users" with particular televisions and to further establish parental control features for each of those televisions (Ellis et al.: Figures 11, 13-18). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. so as to "link a plurality of users with associated carrier frequencies" (ex. parent + child) for the purpose of advantageously providing a means by which a family with multiple

televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]).

6. Claims 3, 5, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474 B1), in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Kolde et al. (US Pat No. 6,762,733 B2).

In consideration of claim 3, the combined references are unclear such that the "remote control mechanism is further operable to communicate using a wireless local area network communication protocol". In an analogous art pertaining to video distribution, the Kolde et al. discloses a "remote control mechanism" [106] which is "operable to communicate using a wireless local area network protocol" (Col 6, Lines 22-33). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references so as to utilize the "remote control mechanism" of Kolde et al. for the purpose of advantageously providing a context-sensitive instructional user interface so as to familiarize the user with the operation of the interactive television system and further support a number of interactive options (Kolde et al.: Col 1, Lines 53-67; Col 5, Lines 33-40).

Claim 5 is rejected wherein the Sheppard et al. reference discloses that the system further comprises a "network interface" [360] that is "operable to provide at least a portion of a communication path interconnecting the receiver" [200] and a "wide area communication network" [110 or 100 or 310] (Figure 4) and a "communication module" [442] for interconnecting with the remote control units. The reference, however, is unclear with respect to the "communication module" [442] necessarily being a "transceiver". The Kolde

et al. reference discloses the particular usage of a "communication module having a local area wireless transceiver" [202/204] so as to support its remote control mechanism (Col 5, Lines 11-25). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combine teachings so as to further include a "communication module having a local area wireless transceiver" for the purpose of advantageously providing a context-sensitive instructional user interface so as to familiarize the user with the operation of the interactive television system and further support a number of interactive options (Kolde et al.: Col 1, Lines 53-67; Col 5, Lines 33-40).

Claim 37 is rejected in light of the aforementioned combination wherein the "remote control mechanism is a wireless telephone" (Kolde et al.: Col 5, Lines 48-57).

Claim 38 is rejected in light of the aforementioned combination wherein the "remote control mechanism has Bluetooth functionality" (Kolde et al.: Col 6, Lines 22-33).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474), in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view Applicant's Admission of fact (APA).

In consideration of claim 23, as aforementioned, Sheppard et al. explicitly provides that the "assigned frequency block" can correspond to any television channel and provides channels 3, 4, 8, and 11 as examples (Col 10, Lines 23-34; Col 14, Lines 18-24). Applicant's admission of fact (APA) provides evidence as to the particular usage of "assigned frequency blocks" comprising a "range of approximately 60 to 66 MHz", a "range of approximately 66 to 72 MHz", and a "range of approximately 76 to 82 MHz" as frequency ranges

corresponding to television distribution channels. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references such that the "first of the remote controllable channel output modules" [450] utilizes an "assigned frequency block . . . comprising a range of approximately 60 to 66 MHz", the "second of the remote controllable channel output modules" [450] utilizes an "assigned frequency block . . . comprising a range of approximately 66 to 72 MHz", and the "third of the remote controllable channel output modules" [450] utilizes an "assigned frequency block . . . comprising a range of approximately 76 to 82 MHz" for the purpose of locally distributing television programming utilizing FCC assigned channels or "frequency blocks" in a manner which reduces the costs associated with in-home distribution of television programming by virtue of distributing programming on channels televisions are already designed to directly receive.

8. Claims 29, 31-33, 39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474) in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Reyes et al. (US Pub No. 2002/0078442 A1).

Claim 29 is rejected wherein the combined references discloses a "method of facilitating video distribution". As aforementioned, the Sheppard et al. discloses a distribution method which "links . . . users with associated carrier frequencies" associated with the particular television [199] being viewed. The method comprises "receiving a first command from a first user", "modulating a decoded video stream identified by the first command on the first carrier frequency" [450] and "outputting the modulated stream to a premise network" [210] such that the "first user can access the modulated stream by tuning a premise network

connected television" [199] to the "first carrier frequency" (Col 6, Line 60 – Col 7, Line 3; Col 9, Lines 48-62; Col 10, Lines 10-34; Col 11, Lines 13-31). The reference, however, is unclear with respect to the particular association of multiple users to multiple TVs as well as the particular usage of "authenticating" as claimed.

In an analogous art pertaining to the field of video distribution systems, the Ellis et al. reference discloses a "method of facilitating video distribution method" such as that illustrated in Figure 6 wherein a plurality of users within a household are associated with a plurality of televisions (Para. [0064]) and the users may configure settings associated with an interactive programming guide. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. so as to "link a plurality of users with associated carrier frequencies" (ex. parent + child) for the purpose of advantageously providing a means by which a family with multiple televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]).

The combined references subsequently disclose the existence of a particular television associated with a particular remote control, user, and assigned frequency such that the system provides a particularly assigned frequency to a television associated with a particular user. While the Ellis et al. reference suggests the particular usage of parental control settings, the combined references are silent with respect to the usage of an "access engine" as claimed. In an analogous art pertaining to video distribution systems, the Reyes et al. reference discloses "authenticating that the first user" is allowed to change channels on a particular remote controller (Para. [0037] – [0038] and [0042]). Accordingly, it would have been obvious to

one having ordinary skill in the art at the time the invention was made so as to modify the combined teachings such that the video distribution method further comprises "authenticating that the first user is associated with a first carrier frequency" for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]). For example, a particular user (ex. parent) in the multi-user household may choose to lock the operation of the particular remote controller associated with their particular television (ex. parent's room) operating on its assigned or "first carrier frequency". Accordingly, only by authenticating that the parent or user associated with the first radio frequency band is actually operating the particular remote in their room can the television channel be changed or other system feature accessed.

Claim 31 is rejected in light of the combined teaching of the multi-user / multi-television household such that the system "receives a second command from a second user" (ex. houseguest) and "modulates a second decoded video stream identified by the second command on a second carrier frequency, wherein the second carrier frequency is associated with the second user; and outputting the modulated chosen stream to the premise network such that the second user can access the modulated chosen stream by tuning a given premise network connected television to the second carrier frequency" (Sheppard et al.: Col 6, Line 60 – Col 7, Line 3; Col 9, Lines 48-62; Col 10, Lines 10-34; Col 11, Lines 13-31).

Claim 32 is rejected wherein the method further comprises "tracking a viewing metric of the first user" (Ellis et al.: Figure 19).

Claim 33 is rejected wherein the method further comprises "disabling access to a certain video stream for at least one of the plurality of users" (Ellis et al.: Para. [0095] – Para. [0105]) in association with parental control features.

Claim 39 is rejected wherein it would have been obvious in light of the aforementioned combined teachings such that the method would further involve "authenticating that the second user is associated with the second carrier frequency" for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]). For example, a particular user (ex. house guest) in the multi-user household may choose to lock the operation of the particular remote controller associated with their particular television (ex. guest room) operating on its assigned or "second carrier frequency". Accordingly, only by authenticating that the guest or user associated with the second radio frequency band is actually operating the particular remote in their room can the television channel be changed.

Claim 41 is rejected in light of the aforementioned combination of references. The combined Sheppard et al. and Ellis et al. references disclose the existence of a particular television associated with a particular remote control, user, and assigned frequency such that the system provides a particularly assigned frequency to a television associated with a particular user. While the Ellis et al. reference suggests the particular usage of parental control settings, the combined references are silent with respect to the usage of "authentication" as claimed. In an analogous art pertaining to video distribution systems, the Reyes et al. reference discloses "authenticating that the first user" is allowed to change channels on a particular remote controller so as to "allow only the first user to request

different media content" to be displayed (Para. [0037] – [0038] and [0042]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined teachings such that the video distribution method further comprises "authenticating that the first user is associated with a first carrier frequency; and allowing only the first user to request different media content for the first carrier frequency" for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]). For example, a particular user (ex. parent) in the multi-user household may choose to lock the operation of the particular remote controller associated with their particular television (ex. parent's room) operating on its assigned or "first carrier frequency". Accordingly, only by authenticating that the parent or user associated with the first radio frequency band is actually operating the particular remote in their room can the television channel be changed or other system feature accessed.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474), in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Eames et al. (US Pat No. 6,493,875).

In consideration of claim 21, the Sheppard et al. reference is silent with respect to the "premise network" necessarily comprising a "wireless local area network". The Ellis et al. reference suggests the particular usage of a "wireless local area network" so as to interconnect the equipment (Para. [0072]). In an analogous art pertaining to the video distribution, the Eames et al. reference discloses the particular usage of a "wireless local area network" in association with a wireless gateway [200] similar to that disclosed by Sheppard et al. (Figure 4; Col 6, Lines 22-39) wherein different channels are modulated onto different

wireless channels. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references so as to employ a "wireless local area network" for the purpose of advantageously provide a means to distribute high-speed digital information within households that do not have compatible coaxial cable wiring (Eames et al.: Col 1, Lines 21-33).

10. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474 B1), in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Milovanovic et al. (US Pub No. 2003/0028872 A1).

In consideration of claim 35, the combined references are silent with respect to the particular usage of the "access engine employing a biometric authentication scheme". In an analogous art pertaining to video distribution, the Milovanovic et al. reference discloses the particular usage of an "access engine" [14] that "employs a biometric authentication scheme" (Para. [0021] – [0025]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references such that the "access engine employs a biometric authentication scheme" for the purpose of providing a non-obtrusive manner to identify a user without requiring an active identification on behalf of the user (Milovanovic et al.: Para. [0005] and [0009]).

11. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474), in view of Ellis et al. (US Pub No. 2005/0251827 A1), in view of Reyes et al. (US Pub No. 2002/0078442 A1), and in further view of Reyes et al. (US Pub No. 2002/0078442 A1).

In consideration of claim 42, as aforementioned, the combined references suggest the particular usage of parental control, however, they are silent with respect to the step of "comparing" and "notifying" as claimed. In an analogous art pertaining to the field of video distribution systems, the Horiwitz et al. reference discloses a parental control system which "compares [a] request for media content to a block list" associated with blocked channels/content for that television and profile (Col 9, Lines 13-27; Col 10, Line 33 – Col 11, Line 63) and further "notif[ies] the first user that the requested media content will not be displayed" by informing the user a password or other appropriate identifier must be displayed in order to access the requested channel (Col 11, Lines 40-63). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined teaches so as to "compare the request for the media content to a black list associated with a first carrier frequency" and to notify the first user that the requested media content will not be displayed" for the purpose of advantageously providing a method by which to enact flexible parental control through the usage of profile based blocking (Horiwitz et al.: Col 2, Lines 32-53). For example, taken in combination, a child could not simply sneak into a parent's room so as to watch programming on a television associated with a different frequency to which they are not entitled to watch. Rather, the system authenticates that the appropriate viewer is watching the appropriate programming on the appropriate television.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott Beliveau
Examiner
Art Unit 2623

SEB
July 7, 2006